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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/053,666 | 01/24/2002 | Wolfgang Billinger | P67552US0 | 8422 |

136 7590 02/13/2004

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| EXAMINER |
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HOLZEN, STEPHEN A

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| ART UNIT | PAPER NUMBER |
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3644

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | |
|------------------------------|-------------------------------|----------------------------------|--|
| Office Action Summary | Application No. 10/053,666 | Applicant(s) BILLINGER ET AL. | |
| | Examiner Stephen A. Holzen | Art Unit 3644 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15 and 19-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15 and 19-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 27, 29 and 31 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant's use of the phrase "said movable part being a spoiler, a landing gear or a control surface" is in improper alternative claim structure. The use of the words "or" and three option renders the scope of the claim indefinite.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 15 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants Prior Art Disclosure in view of Hertzberg (4,966,802)

The applicant has disclosed the following as prior art:

- A connecting device (figure 2)

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- At least one fitting (#5)
- At least one bearing (#7)
- A fitting being secured to movable part (figure 2)
- The movable part being made of composite material (see pages 6 lines 31-32)
- The resin transfer molding method (see figure 3)
- Nylon interwoven with the fabric (9) to enhance the impact strength of the article produced. (see Page 7, lines 7-13)

Re - Claim 15 and 27 and 30: the applicant does not disclose as prior art the following:

- A fitting made of synthetic composite material
- The fitting including a carbon fabric as a reinforcement element.
- Said fitting being secured to similar composite structure with gluing

Hertzberg discloses that it is known to form aircraft components from fiber reinforced resin composites and further teaches that it is known to use glue (adhesives) to connect two separate composite structures. It would have been obvious to use the teachings of Hertzberg to enhance the known structures of the prior art to enhance the strengths of the joints between two similar composite apparatus.

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Re - claims 19 and 20: the applicants prior art disclosure teaches a device having a reactive material sewn or woven into the carbon fabric (see Page 7, lines 7-13), wherein said reactive material is nylon (see page 7, lines 7-13)

Re - Claims 24 and 25: Hertzberg teaches that additional connecting means are well known in addition to gluing (see Figure 7)

Claims 21, 22 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants Prior art disclosure as applied to claim 15 above, and further in view of Padden (EP 0 532 016 A1). Padden discloses that it is well known to provide an indentation, or recess or a top and bottom covering for arranging the fitting therein, for the purpose of increased structural support. It would have been obvious at the time of the invention to one having ordinary skill in the art to include the teachings of Padden into the applicant prior art teachings for increased structural support.

Re - claim 23: Hertzberg discloses that the use of glue is well known in the art. (see abstract). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to use glue (adhesives) to connect the fitting to the parts of the movable apparatus.

Re - Claim 28: Although the none of The applicants prior art, Hertzberg, and Padden do not disclose a one piece device it would have been obvious to one having ordinary skill in the art at the time the invention was made to make the device as one piece, since it has been held that forming in one piece an article which has formerly

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been formed in multiple pieces and put together involves only routine skill in the art.

Howard v. Detroit Stoves Works, 150 U.S. 164 (1993).

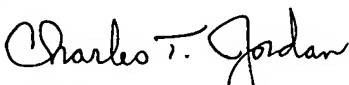
Re - claims 29 and 31: The applicant has disclosed this limitation as prior art

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen A. Holzen whose telephone number is 703-308-2484. The examiner can normally be reached on M-F 7:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles T. Jordan can be reached on 703-306-4159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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CHARLES T. JORDAN
SUPERVISORY PATENT EXAMINER
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